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PATENT

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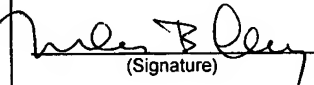
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: SEIFARTH

In re Application of:)
WOLFGANG SEIFARTH ET AL.)
International Appl. No.: PCT/DE00/01071)
International Filing Date: April 4, 2001)
For: METHOD FOR THE SPECIFIC DETECTION AND IDENTIFICATION OF RETROVIRAL NUCLEIC ACIDS/RETROVIRUSES IN A SPECIMEN)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on <u>December 6, 2001.</u>	
(Date)	
<u>Ursula B. Day</u>	
(Name of Registered Representative)	
<u></u>	<u>Dec. 6, 2001</u>
(Signature)	(Date of Signature)

S I R:

In accordance with 37 C.F.R. 1.56, applicant wishes to call the attention of the Examiner to the following references 1) to 32) which were cited in the instant specification and/or in the International Search Report issued by the European Patent Office with regard to the corresponding International patent application No. PCT/DE00/01071, respectively. Applicant does not admit that any of the cited documents constitutes prior art against the pending application.

	Country:	Patent or Appl. No:	Patentee or Applicant:	Issue or Filing Date:
1)		Proc.Natl.Acad.Sci.USA	Mack et al.	09-00-88
2)		Journal of Virology	Seifarth et al.	10-00-95
3)		WO 93/25707	Tenorio Matanzo	12-23-93
4)		Journal of Virological Methods	Donehower et al.	1990
5)		Nucleic Acids Research	Rose et al.	04-01-1998
6)	USA	5,478,724	Morse et al.	12-26-95
7)		BioTechniques	Wichman et al.	1992
8)		Academic Press	Yi Ting et al	1990
9)		WO 95/02704	Kilpatrick	07-11-94
10)	Europe	EP 0 789 081 A2	Casas et al	02-16-96
11)		Academic Press	Compton	1990
12)	Europe	EP 0 229 701 A	Sninsky et al.	01-09-87
13)		Aids Research and Human Retroviruses	Seifarth et al.	05-20-00
14)		Virology	Takeuchi	10-18-91
15)		Aids Research and Human Retrovirus	Vogetseder	1993
16)		Journal of Virology	Sherwin	05-00-78
17)		Journal of Virology	Shih, et al.	01-00-89
18)		Aids Research and Human Resources	Andersson et al.	1996
19)		The EMBO Journal	Poch et al.	1989
20)		Research Article	Fodor et al.	02-15-91
21)		Journal of Virology	McClure et al.	08-18-92
22)		Journal of Virology	Seifarth et al.	06-12-98
23)		Journal of Virology	Scolnick et al.	10-17-78
24)		Journal of Virology	Medstrand et al.	08-11-93
25)		Journal of Virological Methods	Herrmann et al.	08-22-93
26)		Nature Medicine	Patience et al.	03-00-97
27)		The EMBO Journal	Xiong et al.	1990
28)		Acta Neuro Scand	Tuke et al.	1997
29)		Intervirology	Kalden et al.	1993
30)		Journal of Virology	Takeuchi et al.	12-00-98
31)		Journal of Virology	Sauter et al.	10-03-94
32)		Cell	Conrad et al.	07-25-97

Copies of these references are submitted herewith along with form PTO-1449. The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

- ☐ This Information Disclosure Statement is filed within three months of the filing date of a national application other than a continued prosecution application under 1.53(d), so that no fee under 37 C.F.R. §1.97 is due.
- ☒ This Information Disclosure Statement is filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application, so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits, so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114, so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed after the issuance of a first office but before issuance of a final action under §1.113, or a notice of allowance under §1.311.
- ☐ This Information Disclosure Statement is submitted after the mailing of a final action or a notice of allowance, but before payment of the issue fee.
- ☐ The undersigned submits the following statement requesting consideration of this statement:

The undersigned hereby states:

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- ☐ The fee of \$180.00 set forth in 1.17(p).
- ☐ The Commissioner is hereby authorized to charge the fee as set forth in 1.17(p), and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith submits a copy of the International Search Report.

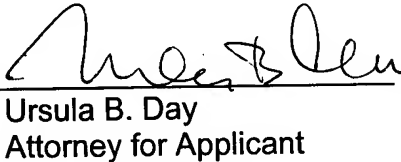
The above-identified application discloses and claims an invention patentable over this prior art.

Entry of the references above set forth into the file of the above application is believed to be in order and is respectfully requested.

Docket No.: SEIFARTH
Serial No.:

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted

By: 
Ursula B. Day
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Form PTO-1449

U.S. Department of Commerce
Patent and Trademark Office**INFORMATION DISCLOSURE CITATION**

Attorney's Docket No. SEIFARTH	Applicant Ruprecht-Karls-Universität	International Appl. No. PCT/DE00/01071
International Filing Date April 4, 2000	Group	Examiner

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date, if appropriate
	5,478,724	12-26-95	Morse et al			

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation
	WO 93/25707 A	12-23-93				
	WO 95 02704 A	01-26-95				
	EP 0 789 081 A	08-13-97	Europe			
	EP 0 229 701 A	07-22-87	Europe			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Mack et al: "A sensitive Method for the Identification" Proc. Natl. Acad. Sci. USA, Vol. 85, No. 18, 1988, pages 6977-6981
		Seifarth et al.: "Retrovirus-like particles released from the human breast ..." Journal of Virology, Vol. 69, No. 10, 1995, pages 6408-6416
		Donehower et al.: "The use of primers from highly conserved pol regions ..." Journal of Virological Methods, Vol. 28, No. 1, 1990, pages 33-46
		Rose et al.: "Consensus-degenerate hybrid oligonucleotide ..." Nucleic Acids Research, Vol. 26, No. 7, 04-01-1998, pages 1628-1635
		Wichman et al: "In search of retrotransposons exploring the ..." BioTechniques, Vol. 13, No. 2, 1992, pages 258-263, 265

Examiner:**Date considered:**

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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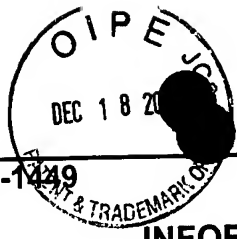
Document Number	Date	Country	Class	Subclass	Translation

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Medstrand et al.: "Characterization of Novel Reverse Transcriptase Encoding Human Endogenous ...", in: Journal of Virology, November 1993, pages 6778-6787
	Takeuchi et al.: "Retroviral Pseudotypes Produced by Rescue of a Moloney Murine Leukemia Virus ...", in: Virology 186, pages 792-794 (1992)
	Vogetseder et al.: "Antibodies in Human Sera Recognizing a Recombinant Outer ...", in: Aids Research and Human Retroviruses, Volume 9, No. 7, 1993
	Sherwin et al.: "Rescue of Endogenous 30S Retroviral Sequences ...", in: Journal of Virology, May 1978, pages 257-264
	Shih et al.: "Detection of Multiple, Novel Reverse Transcriptase Coding Sequences in Human ...", in: Journal of Virology, January 1989, pages 64-75
	Andersson et al.: "Differential Expression of Human Endogenous Retroviral Sequences ...", in: Aids Research and Human Retrovirus, Vol. 12, No. 9, 1996
	Poch et al.: "Identification of four conserved motifs among the RNA-dependent polymerase ...", in: The EMBO Journal, vol. 8, No. 12, pp. 3867-3874, 1989
	Fodor et al.: "Light-Directed, Spatially Addressable Parallel Chemical Synthesis", in: Research Article, 15 February 1991, pp. 767-773
	McClure et al.: "Sequence Similarity between Borna Disease Virus p40 and a Duplicated ...", in: Journal of Virology, 11/1992, pp. 6572-6577
	Seifarth et al.: "Proviral Structure, Chromosomal Location, and ...", in: Journal of Virology, October 1998, p. 8384-8391

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Scolnick et al.: "Defective Retrovirus-Like 30S RNA Species of Rat and Mouse Cells ...", in: Journal of Virology, March 1979, p. 964-972
		Herrmann et al.: "PCR and reverse dot hybridization for the detection of endogenous...", in: Journal of Virological Methods 46 (1994), p. 333-348
		Patience et al.: "Infection of human cells by an endogenous retrovirus of pigs", in: Nature Medicine, Volume 3, No. 3, March 1997
		Xiong et al.: "Origin and evolution of retroelements based upon their reverse transcriptase...", in: The EMBO Journal, vol. 9, no. 10, pp. 3353-3362, 1990
		Tuke et al.: "Development of a pan-retrovirus detection system for multiple sclerosis studies", in: Acta Neurol Scand 1997, Suppl. 169, p. 16-21
		Kalden et al.: "Autoimmune Diseases in Humans, e.g. Autoimmune Rheumatic Diseases", in: Intervirology 1993, vol 35, pp. 176-185
		Takeuchi et al.: "Host Range and Interference Studies of Three Classes of Pig ...", in: Journal of Virology, Dec. 1998, pp. 9986-9991
		Sauter et al.: "Human Endogenous Retrovirus K10: Expression of Gag Protein and ..." in: Journal of Virology, January 1995, p. 414-421
		Conrad et al.: "A Human Endogenous Retroviral Superantigen as Candidate Autoimmune ...", in: Cell, Vol. 90, p. 303-313, July 25, 1997

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